



CITY OF HAYWARD

AGENDA REPORT

Planning Commission

Meeting Date 05/04/00

Agenda Item 1

TO: Planning Commission

FROM: Richard E. Patenaude, Associate Planner

SUBJECT: Tentative Parcel Map 7520 and SPR/VAR 99-130-14 – Florencio Samson (Applicant/Owner) - Request to Subdivide an 8,551-Square-Foot Parcel into Two Single-Family Parcels for the Purpose of Constructing Two Single-Family Residences; and Request for Variance for Reduced Lot Width - The Property is Located at 24979 Pleasant Way in an RSB4 (Single-Family Residential) District in the Jackson Triangle Neighborhood

RECOMMENDATION:

That the Planning Commission:

1. Find that the project is Categorically Exempt from CEQA; and
2. Approve Tentative Parcel Map 7520, and the associated variance and site plan review applications (SPR/VAR 99-130-14), based on the attached findings and conditions of approval.

BACKGROUND:

Parcel Map 7520 is a request to subdivide an 8,551-square-foot parcel into two lots of 4,216 and 4,334 square feet. The property is located in the RSB4 District, which requires 4,000-square-foot lots are larger. Approval of the parcel map requires granting a variance for reduced lot width from 50 feet to 47.50± feet. The City's Subdivision Ordinance requires a Planning Commission determination whenever a parcel map also requires a variance.

The site is a flat, rectangular property, located at 24979 Pleasant Way between Orchard and Berry Avenues. The site is surrounded by single-family homes. Tract 6754, Orchard Homes, is located on the easterly side of Pleasant Way and contains lots of 4,000-5,000 square feet.

There is a single-family residence, a detached garage and a detached shed on the property. The residence will be relocated on the property in order to meet required setbacks; the shed will be demolished. Approval of the parcel map would allow the construction of a new home and remodeling of the existing home such that they could be sold separately.

Pleasant Way is a local through street that has a 50-foot-wide right-of-way. The street can adequately serve traffic from the proposed lots. Both street frontages will be improved with curb, gutter and sidewalk prior to the connection of utilities to a new home. Water, sewer, and storm drain mains within the abutting streets have adequate capacity to serve the project. Each home will have individual water meters and sanitary sewer laterals.

Conformance to the General Plan and the Zoning Ordinance, the Jackson Triangle Neighborhood Plan and the Design Guidelines:

The site is designated as Limited Medium Density Residential (8.7 – 12.0 dwelling units per acre) on the *General Plan Map*, and as a Single-Family Residential (RSB4) District on the *Zoning Map*. The project is consistent with these designations in that the two lots would create a density of 10.2 units per acre with lot sizes in excess of 4,000 square feet.

The project is in conformance with the *Jackson Triangle* Neighborhood Plan Residential Land Use Policies by providing smaller lots in the subject area to provide incentives to upgrade properties. The proposed parcels and residence are consistent in size, scale and appearance with the surrounding neighborhood and encourage owner-occupied housing.

The Hayward Design Guidelines recommends that garages occupy less than 50 percent of the structure's frontage in order to create living spaces that overlook the street. This is a difficult guideline to obtain when a lot is less than 50 feet wide; the proposal creates lots that are $47.50 \pm$ feet wide. However, it is also difficult to place the garage at the rear of small lots because of the driveway requirements. In this case, the development pattern of the neighborhood includes attached garages at the front of the house. To fulfill the spirit of the Guidelines, the owner proposes a floor plan that sets the garage 8 feet behind the front façade of the house, and uses second-floor elements, to reduce the visual impact of the garage.

ENVIRONMENTAL REVIEW

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15332, *In-Fill Development Projects*.

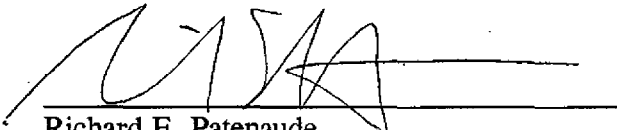
PUBLIC HEARING NOTICE

A notice was mailed to all property owners within 300 feet of the subject property, abutting residents and all interested parties regarding a preliminary meeting. On February 24, 1999, the public meeting was held and no citizens attended.


CONCLUSION

The project is compatible with the surrounding residential land uses and is consistent with the *General Plan Map* designation and the requirements of the Single-Family Residential Density (RSB4) District. The proposed parcels are consistent in size with the other parcels in the neighborhood. Approval of the applications will allow construction of an additional single-family home, which fulfills the City's goals to create ownership housing opportunities.

Prepared by:

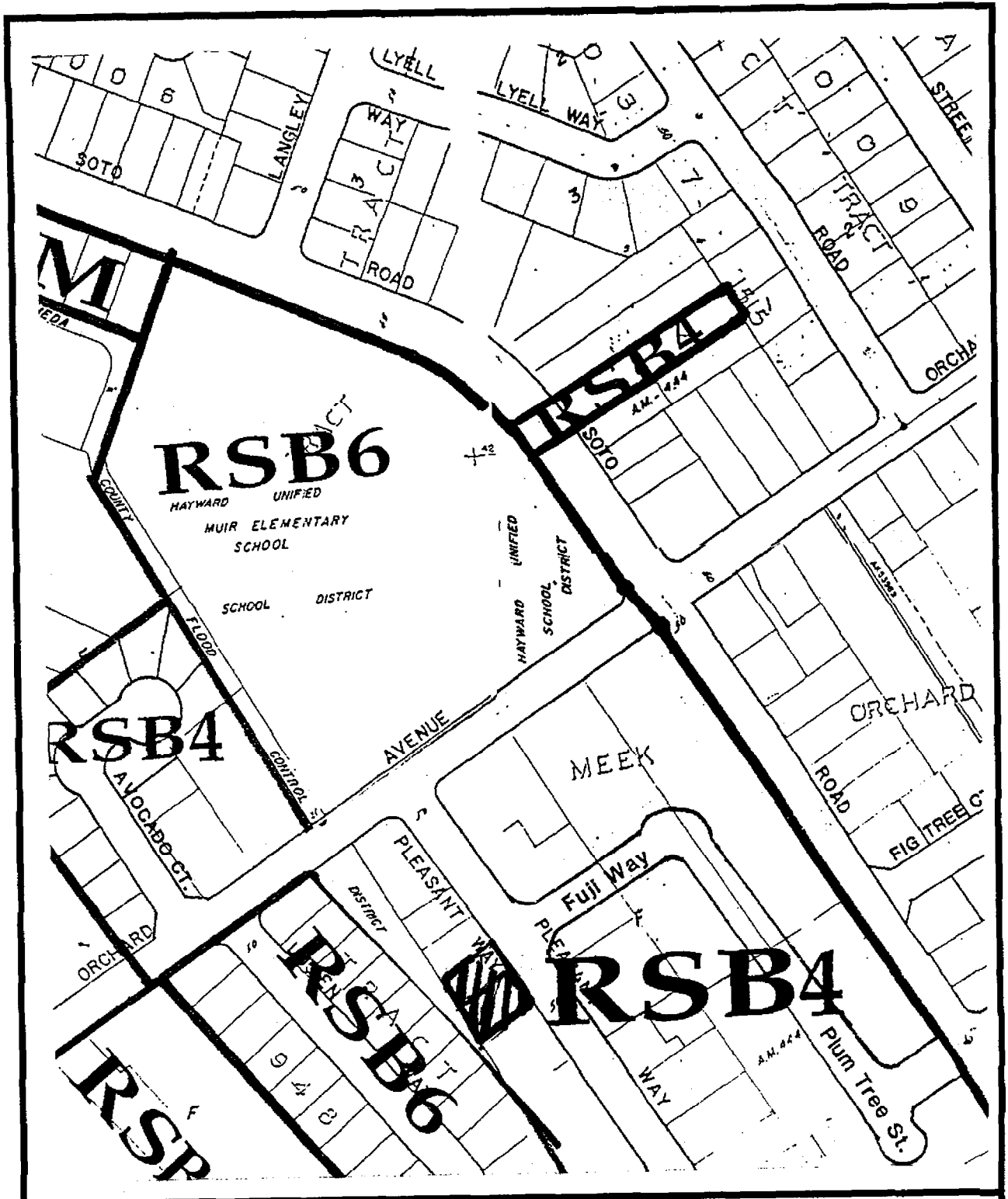

Richard E. Patenaude
Associate Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area and Zoning Map
- B. Findings for Approval - Tentative Parcel Map 7520
- C. Conditions of Approval - Tentative Parcel Map 7520
Tentative Parcel Map 7520
Plans



AREA MAP

Tentative Parcel Map 7520 / Site Plan Review/Variance 99-130-14
Florencio Samson (Applicant/Owner) ■ 24979 Pleasant Way

**FINDINGS FOR APPROVAL
TENTATIVE PARCEL MAP 7520
SPR/VAR 99-130-14**

- A. The development takes into consideration physical and environmental constraints in that approval of Tentative Parcel Map 7520, Site Plan Review/Variance Application No. 99-130-14, as conditioned, will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgement, the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, *In-Fill Development Projects*, and Section 15305, *Minor Alterations to Land Use Limitations*.
- B. The tentative parcel map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Jackson Triangle Neighborhood Plan.
- C. The site is physically suitable for the proposed type of development.
- D. The development is compatible with surrounding structures and uses in that: (1) single-family dwellings are permitted uses in the RSB4 District; (2) there are other single-family residential uses within this block, on both sides of the street; (3) the development will not be detrimental to adjacent properties by creating nuisances to owners or users of adjoining property being the same type of single-family residential use; and (4) the design and materials of the single-family residences will be complimentary and compatible with the architectural character of the residential dwellings found in the area.
- E. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that the adjacent properties are developed at the lot size being proposed. The development complies with the intent of City development policies and regulations, in that: (1) single-family uses are permitted in the RSB4 District; and (2) the project complies with the goals and policies of the General Plan and the *Jackson Triangle* Neighborhood Plan.
- F. There are special circumstances applicable to the property in that the subject property is an odd shape and size compared to current neighborhood standards and, while a division allows for lots of required size in square feet, it does not allow for required width. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and the design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
- G. Existing streets and utilities are adequate to serve the project.

- H. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made, and the approval of the tentative parcel map is granted subject to the recommended conditions of approval.
- I. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that the proposed single-family residences, as conditioned, are permitted as a primary use in the RSB4 District.
- J. The development complies with the intent of City development policies and regulations in that the proposed single-family residences, as conditioned, will not be detrimental to the public health, safety or general welfare, because the structures and uses, as conditioned, are consistent with the General Plan and applicable City regulations adopted under the City of Hayward Zoning Ordinance.
- K. The development takes into consideration physical and environmental constraints of the property by previous development approval of the lot layout and street pattern that provides for the opportunity for future passive solar heating and cooling, drainage, noise or traffic problems, etc.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 7520
SPR/VAR 99-130-14**

1. The homes constructed on lots created by PM 7520 shall be constructed according to the plans labeled Exhibit "A" and these conditions of approval to the satisfaction of the Planning Director. This permit approval is void two years after the effective date of approval of PM 7520 unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans or conditions shall require review and approval by the Planning Director. A request for an extension must be submitted at least 30 days prior to expiration of this permit.
2. Prior to final inspection of the construction, all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director.
3. Front yard landscaping and street trees shall be installed prior to occupancy of each lot. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.
4. Roof-mounted mechanical equipment, such as, but not limited to, air conditioners, is prohibited.
5. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.
6. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.
7. The applicant/developer's engineer shall perform all design work unless otherwise indicated.
8. Each residence shall provide a minimum 6-inch address or a minimum 4-inch self-illuminated address, either of which shall be visible from the street.
9. Chimneys shall be provided with spark arrestors.
10. Smoke detectors shall be required per the 1998 California Building Code.
11. Park Dedication In-Lieu Fees are required for one new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.

PRIOR TO RECORDATION OF THE PARCEL MAP:

12. The owner shall enter into a deferred street improvement agreement to install curb, gutter, sidewalk, and tie-in paving across the property frontage. The entire frontage improvements shall be installed as a condition of the first building permit associated with this parcel map per City Standard Detail SD-113. The curb to curb width on Pleasant Way shall be 36 foot, with a 5.5 foot adjacent to the curb.
13. The existing home and sheds shall be removed or relocated to meet zoning ordinance requirements. The location shall be approved by the Planning Director.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

14. The applicant shall submit final building elevations to the Planning Director for review and approval, including a colors and materials board. This should include, at the very least, the treatment for the exterior walls and roof.
15. Detailed landscaping and irrigation plans for the front yards shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. Front yards shall be limited to a maximum 50% Fescue turf. One 15-gallon street tree shall be provided on each lot for every 50 feet of frontage, or portion thereof. Trees shall be planted according to the City Standard Detail SD-122.
16. Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.
17. The electrical services to the two parcels shall be underground prior to the issuance of the building permit.
18. A soils report shall be submitted for review and approval of the City Engineer prior to the construction of the proposed building.